

ASSEMBLY BILL

No. 968

Introduced by Assembly Member Knight

February 26, 2009

An act to amend Section 1240.010 of the Code of Civil Procedure, relating to eminent domain.

LEGISLATIVE COUNSEL'S DIGEST

AB 968, as introduced, Knight. Eminent domain.

The California Constitution permits private property to be taken or damaged for public use only when just compensation is paid. The Eminent Domain Law prescribes how that constitutionally authorized power may be exercised and permits that exercise only for a public use. The law provides that if the Legislature provides by statute that a use, purpose, object, or function is one for which the power of eminent domain may be exercised, that is deemed to be a declaration that the use, purpose, object, or function is a public use.

This bill would make nonsubstantive, technical changes in these provisions.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 1240.010 of the Code of Civil Procedure
- 2 is amended to read:
- 3 1240.010. The power of eminent domain may be exercised to
- 4 acquire property only for a public use. ~~Where~~ *If* the Legislature
- 5 provides by statute that a use, purpose, object, or function is one

- 1 for which the power of eminent domain may be exercised, ~~such~~
- 2 *that* action is deemed to be a declaration by the Legislature that
- 3 ~~such~~ *the* use, purpose, object, or function is a public use.